

108TH CONGRESS  
1ST SESSION

# H. R. 889

To eliminate the backlog in performing DNA analyses of DNA samples collected from convicted child sex offenders, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2003

Mr. KING of New York introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To eliminate the backlog in performing DNA analyses of DNA samples collected from convicted child sex offenders, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Convicted Child Sex  
5 Offender DNA Index System Support Act”.

### 6 **SEC. 2. ELIMINATION OF CHILD SEX OFFENDER DNA BACK-** 7 **LOG.**

8 (a) DEVELOPMENT OF PLAN.—

9 (1) IN GENERAL.—Not later than 45 days after  
10 the date of the enactment of this Act, the Director

1 of the Federal Bureau of Investigation, after con-  
2 sultation with representatives of the States and of  
3 appropriate Federal agencies, shall develop a plan to  
4 assist States in performing DNA analyses of DNA  
5 samples collected from convicted child sex offenders.

6 (2) OBJECTIVE.—The objective of the plan de-  
7 veloped under paragraph (1) shall be to effectively  
8 eliminate the backlog of convicted child sex offender  
9 DNA samples awaiting analysis in State or local fo-  
10 rensic laboratory storage, including samples that  
11 need to be reanalyzed using upgraded methods, in  
12 an efficient, expeditious manner that will provide for  
13 the entry of those analyses into the combined DNA  
14 Indexing System (CODIS).

15 (3) PREFERENCE IN FUNDING.—In providing  
16 assistance to States under the plan, the Director  
17 shall give a preference in assistance to those States  
18 that have developed a comprehensive program for  
19 the DNA analysis of crime scene evidence in case-  
20 work for which there are no suspects.

21 (b) PLAN CONDITIONS.—The plan developed under  
22 subsection (a) shall require the following:

23 (1) That the Director of the Federal Bureau of  
24 Investigation—

1 (A) establish requirements for the perform-  
2 ance of DNA analyses by private forensic lab-  
3 oratories, including quality assurance stand-  
4 ards, state-of-the-art testing methods, and other  
5 requirements that the Director considers appro-  
6 priate; and

7 (B) determine which private forensic lab-  
8 oratories satisfy the requirements established  
9 pursuant to subparagraph (A).

10 (2) That a laboratory may perform DNA anal-  
11 yses under the plan only if it is a private forensic  
12 laboratory determined under paragraph (1)(B) to  
13 satisfy the requirements established pursuant to  
14 paragraph (1)(A).

15 (3) That the Director of the Federal Bureau of  
16 Investigation provide assistance under the plan only  
17 pursuant to arrangements with private forensic lab-  
18 oratories that have been determined under para-  
19 graph (1)(B) to satisfy the requirements established  
20 pursuant to paragraph (1)(A).

21 (4) That under each such arrangement—

22 (A) the Director shall determine, for each  
23 State to which assistance is provided under the  
24 plan, the quantity of convicted child sex of-  
25 fender DNA samples awaiting analysis in that

1 State on which the laboratory shall perform  
2 DNA analysis;

3 (B) the laboratory shall perform those  
4 DNA analyses; and

5 (C) the Director shall, on behalf of that  
6 State, provide funding to the laboratory to  
7 cover the costs of those DNA analyses.

8 (5) That each DNA sample collected and ana-  
9 lyzed under the plan be accessible only—

10 (A) to criminal justice agencies for law en-  
11 forcement identification purposes;

12 (B) in judicial proceedings, if otherwise ad-  
13 missible pursuant to applicable statutes or  
14 rules;

15 (C) for criminal defense purposes, to a de-  
16 fendant, who shall have access to samples and  
17 analyses performed in connection with the case  
18 in which such defendant is charged; or

19 (D) for validation studies and protocol de-  
20 velopment purposes, if personally identifiable  
21 information is removed.

22 (6) That for any State in any fiscal year, upon  
23 the performance of all DNA analyses required to be  
24 performed by paragraph (4)(B) in that fiscal year,  
25 any funds provided to that State under this section

1       for that fiscal year but not yet expended may be  
2       used by the State for the performance of DNA anal-  
3       yses of other forensic DNA samples awaiting anal-  
4       ysis in that State.

5       (c) IMPLEMENTATION OF PLAN.—Subject to the  
6       availability of appropriations under subsection (d), the Di-  
7       rector of the Federal Bureau of Investigation shall imple-  
8       ment the plan developed pursuant to subsection (a) with  
9       States that elect to participate.

10      (d) AUTHORIZATION OF APPROPRIATIONS.—There  
11      are authorized to be appropriated to the Director of the  
12      Federal Bureau of Investigation to carry out this section  
13      \$25,000,000 for each of fiscal years 2003, 2004, and  
14      2005.

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